

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ALFONSO HERNANDEZ,

Plaintiff,

v.

CIV. No. 14-964 KG/SCY

CITY OF ALBUQUERQUE *et al.*,

Defendants.

**ORDER IMPOSING COSTS**

**THIS MATTER** is before the Court *sua sponte*. On October 13, 2015, the Court issued an order directing counsel for Defendant Andy Fitzgerald to submit an affidavit detailing the costs and fees incurred in attending a discovery hearing set on October 7, 2015, at which Plaintiff's former counsel, Anna Martinez,<sup>1</sup> failed to appear. (ECF No. 70) Counsel for Defendant Fitzgerald submitted an affidavit outlining expenses totaling \$410.53 in connection with preparing for and attending the hearing. (ECF No. 72)

Subsequently, at a discovery hearing on October 15, 2015, the Court ordered counsel for Defendant Fitzgerald to submit an affidavit detailing the costs and fees incurred in connection with Defendant Fitzgerald's motion to compel, which the Court had previously granted. (ECF Nos. 43, 76, 77) Counsel for Defendant Fitzgerald submitted an affidavit outlining expenses totaling \$1348.42 in connection with the motion to compel. (ECF No. 79)

Plaintiff has not filed written objections to the amounts set forth in the two affidavits submitted by counsel for Defendant Fitzgerald.<sup>2</sup> The Court finds that the expenses outlined in both affidavits are reasonable.

---

<sup>1</sup> Ms. Martinez withdrew as attorney of record in this matter on November 18, 2015. (ECF No. 93)

<sup>2</sup> During a telephonic status conference held on November 10, 2015, the Court asked Plaintiff's former counsel, Anna Martinez, if she had any objections to the costs and fees set forth in the two affidavits submitted by counsel for Defendant Fitzgerald. (ECF No. 85) Counsel for Plaintiff stated that she

**IT IS THEREFORE ORDERED THAT:**

1. Plaintiff's former counsel, Anna Martinez, reimburse counsel for Defendant Fitzgerald \$410.53 in connection with her failure to appear at the October 7, 2015 hearing.
2. Plaintiff shall pay \$1348.42 to counsel for Defendant Fitzgerald in connection with the motion to compel.
3. The payments must be made within ten business days of entry of this Order.

**IT IS SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE

---

objected to some of the expenses raised therein. The Court directed counsel to file any written objections within two weeks. (*Id.*) Plaintiff's counsel failed to file any objections.